

Chief Judge Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY JACQUES MCKINNEY,

Defendant.

NO. CR19-203-RSM

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States of America's Motion for Entry of a Preliminary Order of Forfeiture seeking to forfeit Defendant Anthony Jacques McKinney's interest in the following property to the United States:

1. One Remington, model 700, .223 caliber rifle bearing serial number G6780917;
2. One Ruger, model Charger, .22 caliber pistol bearing serial number 490-96750; and
3. Any associated cartridges, ammunition, and accessories.

The Court, having reviewed the record, FINDS:

The above-identified property is forfeitable pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c) as proceeds of and/or facilitating property for

1 Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C. §§ 841(a)(1),
2 841(b)(1)(B) and 846, and Felon in Possession of a Firearm in violation of 18 U.S.C.
3 §§ 922(g)(1), 924(a)(2) and 2, to which the Defendant pled guilty. Dkt. No. 235; and,

4 In his Plea Agreement, the Defendant agreed to forfeit his interest in any proceeds
5 of and/or facilitating property for such offenses—including the above-identified
6 property—pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1), and 28 U.S.C. § 2461(c).
7 Dkt. No. 235, ¶ 13.

8 THEREFORE, THE COURT ORDERS:

9 1) Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1), and 28 U.S.C.
10 § 2461(c), the Defendant's interest in the above-identified property is fully and finally
11 forfeited to the United States;

12 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
13 become final as to the Defendant at the time the Defendant is sentenced, it will be made
14 part of the sentence, and it will be included in the judgment;

15 3) The United States Department of Justice, and/or its authorized agents or
16 representatives, shall maintain the above-identified property in its custody and control
17 until further order of this Court;

18 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
19 United States shall publish notice of this Preliminary Order and the United States' intent
20 to dispose of the property as permitted by governing law. The notice shall be posted on
21 an official government website—www.forfeiture.gov—for at least thirty (30) days. For
22 any person known to have alleged an interest in the property, the United States shall also,
23 to the extent possible, provide direct written notice to that person. The notice shall state
24 that any person, other than the Defendant, who has or claims a legal interest in the above-
25 identified property must file a petition with the Court within sixty (60) days of the first
26 day of publication of the notice (which is thirty (30) days from the last day of
27 publication), or within thirty (30) days of receipt of direct written notice, whichever is
28 earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5) If no third-party petition is filed within the allowable time period, the United States shall have clear title to the property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, if necessary, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing is conducted on the petition. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and

7) The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

DATED this 14th day of August, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

1 Presented by:

2 s/Matthew H. Thomas

3 MATTHEW H. THOMAS

4 Assistant United States Attorney

5 United States Attorney's Office

6 1201 Pacific Avenue, Suite 700

7 Tacoma, WA 98402-4383

8 Telephone: (253) 428-3800

9 Fax: (253) 428-3826

10 E-mail: Matthew.H.Thomas@usdoj.gov